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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/009,134
Applicants : C. Satishchandran and C. Pachuk
Filed : October 20, 2002
For : **METHODS AND COMPOSITIONS FOR INHIBITING THE
FUNCTION OF POLYNUCLEOTIDE SEQUENCES**
Group Art Unit : 1635
Examiner : Kimberly Chong
Docket No. : AM100013
Confirmation No.: 5538 **Customer No.: 25291**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 20, 2005

RESPONSE TO RESTRICTION REQUIREMENT

This paper is in response to the Restriction Requirement set forth in the Office Action mailed September 20, 2005.

The Examiner has required restriction between the following inventions in the above-identified application:

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number ER672185606US addressed to the Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

October 20, 2005
Date

Ann Peterson
Ann Peterson

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- Group I, claim(s) 68-105 drawn to an isolated nucleic acid molecule comprising a regulatory sequence operably linked to a nucleic acid sequence that encodes an engineered RNA agent wherein the agent comprises a stem and loop portion.
- Group II, claim(s) 106, drawn to a method of inducing RNAi of a target gene comprising enabling a cell to express an RNA agent.
- Group III claim(s) 107-168 and 170-173, drawn to a multitargeted partially double-stranded RNA molecule.
- Group IV Claim 169 drawn to a method of making a composition comprising two or more different double stranded RNA molecules

In response to this Restriction Requirement, Applicant(s) hereby elect(s) Group III, claim(s) 107-168 and 170-173 for continued examination and prosecution on the merits, with traverse.

Applicant is required to select a species from the group of HBV, HIV, HSV, CMV, HPV, HTLV and EBV recited in claims 120, 122, 160 and 162, in case no generic claim is found allowable, Applicant chooses HBV as an initial elected species.

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Applicant is required to select a species from the group of a RNA pol I promoter, a RNA pol II promoter, a RNA pol III promoter, recited in claims 133, 148, 152 and 154, in case no generic claim is found allowable, Applicant chooses RNA pol III as an initial elected species.

Applicants wish to point out that all of the claims in the instant application are related to methods and nucleic acid compositions useful in RNA interference. It is the Applicant's position that the subject matter claimed in Groups I-IV, although distinct, is related and should appropriately be examined together. In addition, Applicants believe that a search of RNA interference would encompass any references useful in the examination of methods and nucleic acid compositions useful in RNA interference. In view of the relatedness of the claimed subject matter, it is the Applicant's position that a search and examination of all of the claims of Groups I-IV would be coextensive and therefore would not place an undue burden on the Examiner.

Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that all of the claims presently pending in this application be examined. Should the Examiner maintain a restriction of the claimed subject matter, it is Applicants' understanding that upon allowance of any product claim, the Applicant will be entitled to consideration of any withdrawn method claim that depends from or otherwise includes all the limitations of the allowable product claim. Regarding this right to rejoinder, Applicants' wish to point out that all of the

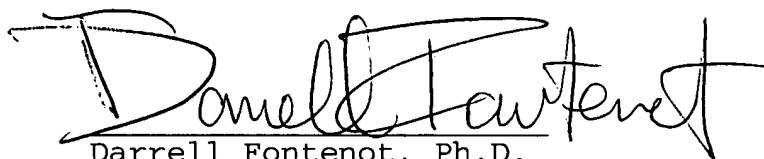
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currently pending method claims, for example Group IV depend from product claims in Group III.

Applicant believes no additional fees are due with this statement. However, if a fee is due, please charge our Deposit Account No. 01-1425. In the event that any issues arise, the Examiner is requested to contact the undersigned attorney at 845-602-3144 to resolve them.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darrell Fontenot", written over a horizontal line.

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